



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/668,494	09/22/2000	Robert E. Jones		1981

41131 7590 04/12/2005

KENNETH EARL DARNELL
2010 WEST SEVENTH STREET
COFFEYVILLE, KS 67337

EXAMINER

DIXON, THOMAS A

ART UNIT	PAPER NUMBER
----------	--------------

3639

DATE MAILED: 04/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/668,494

Applicant(s)

JONES, ROBERT E.

Examiner

Thomas A. Dixon

Art Unit

3639

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-63 is/are pending in the application.
- 4a) Of the above claim(s) 1-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-31, 33-39, 41-51 and 53-63 is/are rejected.
- 7) ☒ Claim(s) 32, 52 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendments/Arguments

1. Applicant's amendments and arguments, filed 11/04/2004 have been fully considered and are persuasive. The objections and rejections of the previous action are withdrawn.
2. A careful reading of the claims necessitated new rejections below.

Claim Interpretation

3. Claims directed to an Apparatus must be distinguished from the prior art in terms of structure rather than function, *In re Danly* 263 F.2d 844, 847, 120 USPQ 582, 531 (CCPA 1959).

A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ2d 1657 (bd Pat. App. & Inter. 1987).

The structural limitations of claim 33, including means for coordinating and means for returning the data are disclosed in Lee et al as described herein.

The structural limitations of claim 53, including means for coordinating, means for returning the data and means for checking are disclosed in Lee et al as described herein.

As described the limitations of the claim do not distinguish the claimed apparatus from the prior art.

Claim Objections

4. Claims 30, 34, 44,50,54,63 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Art Unit: 3639

Specifically, the option to "ignore" does not further limit the claim.

5. Claims 39, 41, 44, 50 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Specifically, the "means for checking a reservation" does not further limit the claim because it doesn't do anything after the checking.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 25-26, 29-31, 33-35, 37-39, 41-43, 44-46, 49-51, 54-55, 57-63 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee et al (2002/0099649).

As per Claim 25.

Lee et al ('649) discloses:

coordinating access to the database to acquire data for operations therewith and scheduling said operations, see paragraph (0076 the OWM is used to control and manipulate potentially fraudulent orders which may be sequenced for handling); returning the data to the database after operations are performed thereto to a predetermined location within the database, to thereby update the database, see paragraph (0077 the representative can hold accept or reject the order or use fraud estimation by the computer model, see (0043) and figure 4 to outsort suspect transactions).

As per Claim 26, 46.

Lee et al ('649) further discloses the predetermined location is a queue and the data is present in the form of a multiplicity of batches, see figures 6 and 13.

As per Claim 29, 49.

Art Unit: 3639

Lee et al ('649) further discloses assignment of the reservation to a robot, the robot assigning all or any portion of the limiting standards to the reservation according to limitations imposed by the standards and issuing a warning message to the reserving entity in the event the reservation is not confirmed, see figures 4 and 7.

As per Claims 30, 34, 50, 54, 63

Lee et al ('649) further discloses means for checking transactions and ignores, see paragraph (0207).

As per Claim 31, 51.

Lee et al ('649) further discloses the process steps are effected remotely of the database, see figure 2 (114, 102).

As per Claim 33.

Lee et al ('649) discloses:

means for coordinating access to the database to acquire data for operations therewith and scheduling said operations, see paragraph (0076 the OWM is used to control and manipulate potentially fraudulent orders which may be sequenced for handling);

means for returning the data to the database after operations are performed thereto to a predetermined location within the database, to thereby update the database, see paragraph (0077 the representative can hold accept or reject the order or use fraud estimation by the computer model, see (0043) and figure 4 to outsort suspect transactions).

As per Claim 35, 55.

Lee et al ('649) further discloses means for checking for suspicious names, see paragraphs (0300-0302).

As per Claim 37, 57.

Lee et al ('649) further discloses means for distributing data across the database, see figure 2 (108, 112) rules and rules engine to sort transactions into, see figure 13, multiple databases to distribute the data across the databases to prevent data from becoming concentrated in any particular location within the database.

As per Claim 38, 58.

Lee et al ('649) further discloses means for checking for duplicates, see table 3 (100) and paragraph (0207).

As per Claims 39, 41, 43, 59, 60, 62, 63.

Lee et al ('649) further discloses means for checking transactions, see paragraph (0207).

As per Claim 42.

Art Unit: 3639

As described the limitations of the claim do not distinguish the claimed apparatus from the prior art.

As per Claim 45.

Lee et al ('649) discloses:

coordinating access to the database to acquire data for operations therewith and scheduling said operations, see paragraph (0076 the OWM is used to control and manipulate potentially fraudulent orders which may be sequenced for handling);

returning the data to the database after operations are performed thereto to a predetermined location within the database, to thereby update the database, see paragraph (0077 the representative can hold accept or reject the order or use fraud estimation by the computer model, see (0043) and figure 4 to outsort suspect transactions);

checking for duplicates, see table 3 (100) and paragraph (0207).

As per Claim 53.

Lee et al ('649) discloses:

means for coordinating access to the database to acquire data for operations therewith and scheduling said operations, see paragraph (0076 the OWM is used to control and manipulate potentially fraudulent orders which may be sequenced for handling);

means for returning the data to the database after operations are performed thereto to a predetermined location within the database, to thereby update the database, see paragraph (0077 the representative can hold accept or reject the order or use fraud estimation by the computer model, see (0043) and figure 4 to outsort suspect transactions);

means for checking for duplicates, see table 3 (100) and paragraph (0207).

As per Claim 61.

As described the limitations of the claim do not distinguish the claimed apparatus from the prior art.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3639

6. Claims 27, 36, 47, 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al (2002/0099649).

As per Claims 27, 36, 47, 56.

Lee et al ('649) does not specifically disclose increasing sizes of the batch in response to increasing levels of process activity.

Official Notice is taken that if processing activity increases, and the percentage of questionable transactions remains the same, that it is mathematically inevitable that the number of transactions outsourced into the queue would increase.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made that the batch sizes would increase in size in response to increasing processing activity as a mathematical inevitability.

7. Claims 28, 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Quinn (3,688,276).

As per Claims 28, 48.

Lee et al ('649) does not specifically disclose printing a ticket.

Quinn ('276) teaches it is old and well known in the reservation arts to print a ticket to allow the purchaser access to the desired event, see column 2, lines 2-11.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to print a ticket as a confirmation of purchase for the benefit of allowing the purchaser access to the desired event.

Allowable Subject Matter

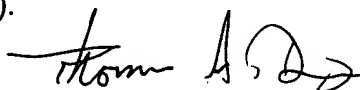
8. Claims 32, 52 would be allowable if rewritten to overcome the rejection(s) set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Dixon whose telephone number is (571) 272-6803. The examiner can normally be reached on Monday - Thursday 6:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thomas A. Dixon
Primary Examiner
Art Unit 3639

March 05